

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

11-CA-23106

Date Filed

// 5/13/11

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a Name of Employer Greenbrier Academy for Girls		b Tel No (304)445-7790
		c Cell No () -
		f Fax No () -
d Address (Street, city, state, and ZIP code) P O Box 342 Pence Springs WV 24962-		g e-Mail
		h Number of workers employed 50
i Type of Establishment (factory, mine, wholesaler, etc) boarding school	j Identify principal product or service education and therapy	
k The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2 Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On (b) (6), (b) (7)(C) 2011, the Employer terminated (b) (6), (b) (7)(C) because of (b) (6), (b) (7)(C) union activities.

3 Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4c Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

4a Tel No

(b) (6), (b) (7)(C)

4b Cell No

() -

4d Fax No

() -

4e e-Mail

5 Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I, (b) (6), (b) (7)(C) the statements are true to the best of my knowledge and belief.

By (b) (6), (b) (7)(C) an Individual
(b) (6), (b) (7)(C) (Print/type name and title or office, if any)

(b) (6), (b) (7)(C)

Address

(b) (6), (b) (7)(C)

Tel No

(b) (6), (b) (7)(C)

Office, if any, Cell No

() -

Fax No

() -

e-Mail

X 05/08/2011
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

(b) (6), (b) (7)(C)

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

Greenbrier Academy for Girls

and

(b) (6), (b) (7)(C) An Individual

Case 11-CA-23106

DATE OF MAILING May 13, 2011

AFFIDAVIT OF SERVICE OF

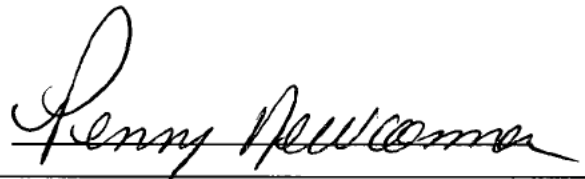
Charge

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) by post-paid **ordinary mail** upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Greenbrier Academy for Girls
P.O. Box 342
Pence Springs, WV 24962

(b) (6), (b) (7)(C)



Subscribed and sworn to before me on

May 13, 2011

DESIGNATED AGENT

NATIONAL LABOR RELATIONS BOARD



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 11

P. O. Box 11467

Winston-Salem, NC 27116-1467

Telephone: 336/631-5201

Fax: 336/631-5210

www.nlr.gov

4035 University Pkwy., Suite 200

Winston-Salem, NC 27106-3325

May 13, 2011

Re: Greenbrier Academy for Girls
Case 11-CA-23106

(b) (6), (b) (7)(C)

Greenbrier Academy for Girls
P.O. Box 342
Pence Springs, WV 24962

Dear (b) (6), (b) (7)(C)

A charge has been filed with this office alleging that you have engaged and are engaging in unfair labor practices within the meaning of the National Labor Relations Act, as amended. A copy of the charge is herewith served upon you.

Please review the attached Notice concerning the status of Agency resources.

Attention is called to your right, and the right of any party, to be represented by counsel or other representative in any proceeding before the National Labor Relations Board and the courts. The enclosed Form 4541 outlines the Board's procedures in unfair labor practice cases and explains the steps to be taken to exercise this right.

You are requested to submit promptly a complete written account of the facts and a statement of your position in respect to the allegations set forth in the charge. **Please state the case name and number on all correspondence.** If the investigation warrants, you will be requested to present any witnesses who can submit affidavits in support of your position. Also, you may be requested to submit any documents and/or records that support your position. However, the submission of only a position letter or memorandum, or the submission of affidavits not taken by a Board agent does not constitute full and complete cooperation.

FILING DOCUMENTS WITH REGIONAL OFFICES: The Agency is moving toward a fully electronic records systems. To facilitate this important initiative, the Agency strongly urges all parties to submit documents and other materials (except unfair labor practice charges and representation petitions) to Regional Offices through the Agency's E-Filing system on its website: <http://www.nlr.gov> (See Attachment to this letter for instructions). Of course, the Agency will continue to accept timely filed paper documents.

The case has been assigned to the Board agent listed on the signature page of this letter. When the Board agent solicits relevant evidence from you or your counsel, I request and strongly urge you or your counsel to promptly present to the Board agent any and all evidence relevant to the investigation. It is my view that a refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily. Full and complete cooperation includes, where relevant, timely providing all material witnesses under your control to a Board agent so that witnesses' statements can be reduced to affidavit form, and providing all relevant documentary evidence requested by the Board agent. The submission of a position letter or memorandum, or the submission of affidavits not taken by a Board agent, does not constitute full and complete cooperation. Further, please be advised that we cannot accept any limitations on the use of any evidence or position statements that are provided to the Agency. Thus, any claim of confidentiality cannot be honored except as provided by Exemption 4 of the FOIA, 5 U.S.C. Sec. 552(b)(4), and any material submitted may be subject to introduction as evidence at any hearing that may be held before an

administrative law judge. In this regard, we are required by the Freedom of Information Act to disclose such records upon request, absent some applicable exemption such as those that protect confidential financial information or personal privacy interests (e.g., Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4)). Accordingly, we will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the foregoing laws, regulations, and policies.

There is also enclosed a questionnaire concerning the business of the Company. It will be appreciated if you will complete this questionnaire and return it at your earliest convenience.

Please be advised that under the Freedom of Information Act, unfair labor practice charges and representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before our Agency. You may be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board; their information regarding this matter is only that which must be made available to any member of the public.

Customer service standards concerning the processing of unfair labor practice cases have been published by the Agency and are available on the Agency's website (www.nlr.gov) under Public Notices.

Your cooperation with this office is invited so that all facts of the case may be considered.

Very truly yours,



Jane P. North
Acting Regional Director

Attachments: Charge
Notice
NLRB Forms 4541 and 4701
Commerce Questionnaire (NLRB Form 5081)
Attachment

ASSIGNED TO: Jasper C. Brown, telephone (336)631-5214
E-MAIL ADDRESS: Jasper.Brown@nlrb.gov



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 11

P. O. Box 11467

Winston-Salem, NC 27116-1467

Telephone: 336/631-5201

Fax: 336/631-5210

www.nlrb.gov

4035 University Pkwy., Suite 200

Winston-Salem, NC 27106-3325

May 13, 2011

Re: Greenbrier Academy for Girls
Case 11-CA-23106

(b) (6), (b) (7)(C)

Dear (b) (6), (b) (7)(C)

The charge that you recently filed has been assigned the above captioned case number and will be investigated by the below-named Board agent whose telephone number and E-mail address are also listed below. Please note that the agent maybe unable to access E-mails when the agent is away from the office. For that reason, you are encouraged to submit all your evidence to the agent through the Agency's E-Filing system, described below. On all correspondence regarding this charge, please include the case name and number indicated above.

Presentation of Your Evidence: It is important that you promptly submit your evidence to the Board agent so we may investigate your charge. If you have not yet set a date and time to present evidence in support of this charge, please contact the Board agent as soon as possible to schedule a time to present your evidence. If you are a non-English speaker and need assistance, please inform the Board agent assigned to this case.

FILING DOCUMENTS WITH REGIONAL OFFICES: The Agency is moving toward a fully electronic records systems. To facilitate this important initiative, the Agency strongly urges all parties to submit documents and other materials (except unfair labor practice charges and representation petitions) to Regional Offices through the Agency's E-Filing system on its website: <http://www.nlrb.gov> (See Attachment to this letter for instructions). Of course, the Agency will continue to accept timely filed paper documents.

Procedures: If you have an E-mail address, please provide that address to the agent in order to expediate our communication with you.

Customer service standards concerning the processing of unfair labor practice cases are available upon request from the Regional Office or by clicking the Public Notices button on the agency's website, www.nlrb.gov.

Right to Representation: Attention is called to your right, and the right of any party, to be represented by an attorney or other representative in any proceeding before the National Labor Relations Board and the courts. If you wish to have a representative appear on your behalf, please have your attorney or other representative complete the enclosed Form NLRB-4701, Notice of Appearance, and forward it to the respective Regional Office as soon as a representative is chosen.

If your representative is an attorney, such attorney will receive exclusive service of all documents, except that you and your attorney will both receive those documents described in Casehandling Manual, Part One, Unfair Labor Practice Proceedings, Section 11842.3, available on the Agency's internet web page www.nlrb.gov. However, your attorney may consent to have additional documents or correspondence served on you by making the appropriate designation on Form NLRB-4701, Notice of Appearance. If your representative is not an attorney, your representative may receive copies of all documents and correspondence.

Freedom of Information Act: Please be advised that, under the Freedom of Information Act, unfair labor practice charges and representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before our Agency. You may be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board; their information regarding this matter is only that which must be made available to any member of the public.

Very truly yours,



Jane P. North
Acting Regional Director

Attachments: Charge
Notice
NLRB Forms 4541 and 4701
Attachment
Qualifying for Backpay and Other Monetary Remedies
NLRB Form 5224, Claimant Expense, Search for Work, and Interim Earnings Report

ASSIGNED TO: Jasper C. Brown, telephone (336)631-5214

E-MAIL ADDRESS: Jasper.Brown@nlrb.gov

NOTICE

Under our current situation, the Agency must implement measures to ensure that its resources are administered as efficiently as possible. These measures may have an impact on our casehandling activities. Travel must be coordinated within each Region to effectively utilize our resources. Each case will be reviewed to determine whether face-to-face interviews are necessary or whether the issues raised by the charge can be handled through the use of statements obtained by telephone or through correspondence such as questionnaires or statements of positions. In the event it is determined that it is necessary for the investigating agent to meet with witnesses, the Region will monitor all casehandling travel to insure that it is being done in the most efficient manner. For instance, case-related travel may have been planned in such a way that assignments that would otherwise be accomplished by several trips may be combined into a single trip. Charging parties who are within or near a radius of 120 miles of an Agency field office may be required to present themselves and their witnesses in that office. If such parties are unable to present their evidence in the office, the investigation of a charge may be delayed in order for the Region to schedule travel in that case with other cases in the same geographical area.

Effectively managing our resources may involve the scheduling of multiple hearing assignments for administrative law judges in coordination with the Division of Judges. The Region may urge parties to come into the Regional Office city for formal hearings involving matters occurring within or near a 120-mile radius of the office. Absent such an agreement, the Region may seek to have the hearing held in a mutually convenient city with a major airport which would permit the grouping of cases.

While every effort will be made to process cases as expeditiously as possible, some of these necessary measures may have an impact on the time required to process a case. We regret the inconvenience which the measures may create, but appreciate your cooperation with the Agency's efforts to manage its resources in the most effective manner.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

**NOTICE: PARTIES INVOLVED IN AN INVESTIGATION OF AN UNFAIR LABOR
PRACTICE CHARGE SHOULD BE AWARE OF THE FOLLOWING PROCEDURES:**

Right to be represented by counsel – Any party has the right to be represented by counsel or other representative in any proceeding before the National Labor Relations Board and the courts. In the event you wish to have a representative appear on your behalf, please have your representative complete Form NLRB-4701, Notice of Appearance, and forward it to the respective Regional Office as soon as counsel is chosen.

Designation of representative as agent for service of documents – In the event you choose to have a representative appear on your behalf, you may also, if you so desire, use Form NLRB-4813 to designate that representative as your agent to receive exclusive service on your behalf of all formal documents and written communications in the proceeding, except charges and amended charges, and further except subpoenas which are served on the person to whom they are addressed. If this form is not filed, both you and your representative will receive copies of all formal documents, including complaints, orders, and decisions. If it is filed, copies will be served only on your representative, and that service will be considered service on you under the statute. The designation, once filed, shall remain valid unless a written revocation is filed with the Regional Director.

Impartial investigation to determine whether charge has merit – Immediately upon receipt of a charge, the Regional Office conducts an impartial investigation to obtain all the facts which are material and relevant to the charge. In order to determine whether the charge has merit, the Region interviews the available witnesses. Your active cooperation in making witnesses available and stating your position will be most helpful to the Region.

The Region seeks evidence from all parties. Naturally, if only the charging party cooperates in the investigation, a situation results whereby the evidence presented by the charging party may warrant the issuance of a complaint, in the absence of any explanation from the party charged with having violated the law. Where evidence of meritorious defenses is made available a number of cases are withdrawn or dismissed. Your active cooperation will result in disposing of the case at the earliest possible time, whether the case has merit or not.

If the charge lacks merit, charging party has opportunity to withdraw – If it is determined that the charge lacks merit, the charging party is offered the opportunity to withdraw it. Should the charging party refuse to withdraw the charge, the Regional Director dismisses the charge, advising the charging party of its right to appeal the dismissal to the General Counsel.

If the charge has merit, the matter may be voluntarily adjusted – If the Regional Director determines that the charge has merit, all parties are afforded an opportunity to settle the matter by voluntary adjustment. It is the policy of this office to explore and encourage voluntary adjustments before proceeding with litigation before the Board and courts, which is both costly and time consuming. The Regional Director and members of the staff are always available to discuss adjustment of the case at any stage and will be pleased to receive and act promptly upon any suggestions or comments concerning settlements.

Voluntary adjustments after issuance of complaint – If settlement is not obtained, the Regional Director will issue a complaint which is the basis for litigating the matter before the Board and courts. However, issuance of a complaint does not mean that the matter cannot still be disposed of through voluntary adjustment by the parties. On the contrary, at any stage of the proceeding the Regional Director and staff will be pleased to render any assistance in arriving at an appropriate settlement, thereby eliminating the necessity of costly and time-consuming litigation.

NATIONAL LABOR RELATIONS BOARD
NOTICE OF APPEARANCE

Greenbrier Academy for Girls

and

(b) (6), (b) (7)(C) An Individual

CASE 11-CA-23106

TO: (Check one Box Only) ¹

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> REGIONAL DIRECTOR
NLRB, REGION 11
4035 UNIVERSITY PKWY., SUITE 200
P.O. BOX 11467
WINSTON-SALEM, NC 27116-1467 | <input type="checkbox"/> EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
WASHINGTON, D.C. 20570 | <input type="checkbox"/> GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
WASHINGTON, D.C. 20570 |
|--|--|--|

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

- ☐ REPRESENTATIVE IS AN ATTORNEY
- ☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SECTIONS 102.14 AND 102.113 OF THE BOARD'S RULES AND REGULATIONS.

(REPRESENTATIVE INFORMATION)

NAME OF REPRESENTATIVE _____
LAW FIRM NAME _____
MAILING ADDRESS _____
E-MAIL ADDRESS _____
OFFICE TELEPHONE NUMBER _____
CELL PHONE NUMBER _____ FAX NUMBER _____
SIGNATURE _____ <i>(Please sign in ink.)</i>
DATE _____

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully. Answer all applicable items and return to the Regional Office. If additional space is required, use plain bond paper and identify item number.

CASE NAME Greenbrier Academy for Girls		CASE 11-CA-23106
1. TYPE OF BUSINESS <input type="checkbox"/> CORPORATION <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> SOLE PROPRIETORSHIP		
2. CLASSIFICATION WHICH DESCRIBES YOUR BUSINESS <input type="checkbox"/> WHOLESALE <input type="checkbox"/> NEWSPAPER <input type="checkbox"/> OFFICE OF INDUSTRIAL BUILDING <input type="checkbox"/> RETAIL <input type="checkbox"/> HOSPITAL <input type="checkbox"/> HOTEL - MOTEL <input type="checkbox"/> MANUFACTURING/PROCESSING <input type="checkbox"/> SERVICE ORGANIZATION <input type="checkbox"/> TRUCKING <input type="checkbox"/> PUBLIC UTILITY <input type="checkbox"/> BROADCASTING STATION <input type="checkbox"/> NURSING HOME <input type="checkbox"/> TRANSIT SYSTEM <input type="checkbox"/> BUILDING AND CONSTRUCTION <input type="checkbox"/> OTHER (Describe)		
3. EXACT LEGAL TITLE OF FIRM		
4. IF A CORPORATION		
A. INCORPORATED IN STATE OF:	B. NAME(S) AND ADDRESS(ES) OF PARENT, SUBSIDIARY, OR RELATED CORPORATION, IF ANY, AND DESCRIBE RELATIONSHIP	
5. IF A PARTNERSHIP		
FULL NAME AND COMPLETE ADDRESS OF ALL PARTNERS		
6. IF A PROPRIETORSHIP		
FULL NAME AND COMPLETE ADDRESS OF PROPRIETOR		
7. BRIEFLY DESCRIBE THE NATURE OF YOUR BUSINESS (General products handled or manufactured, or nature of services performed).		
8. PRINCIPAL PLACE OF BUSINESS LOCATED AT:		BRANCH(es) LOCATED AT:
9. NUMBER OF PERSONNEL PRESENTLY EMPLOYED BY YOUR FIRM		
A. TOTAL	B. AT THE ADDRESS INVOLVED IN THIS PROCEEDING	
10. DURING THE PAST <input type="checkbox"/> CALENDAR, <input type="checkbox"/> FISCAL YEAR (If Fiscal Year indicate dates), OR <input type="checkbox"/> LAST 12 MONTHS (Check appropriate box):		
A. DID GROSS REVENUE FROM SALES OR PERFORMANCE OF SERVICES DIRECTLY TO CUSTOMERS OUTSIDE THE STATE EXCEED \$50,000 <input type="checkbox"/> YES <input type="checkbox"/> NO IF LESS THAN \$50,000 INDICATE AMOUNT		\$
B. DID GROSS AMOUNT OF PURCHASES OF MATERIALS OR SERVICES DIRECTLY FROM OUTSIDE THE STATE EXCEED \$50,000 <input type="checkbox"/> YES <input type="checkbox"/> NO IF LESS THAN \$50,000 INDICATE AMOUNT		\$
C. DID GROSS REVENUE FROM YOUR SALES OR PERFORMANCE OF SERVICES EQUAL OR EXCEED \$50,000 TO FIRMS WHICH DIRECTLY MADE SALES TO CUSTOMERS OUTSIDE THE STATE AND/OR TO CUSTOMERS WHICH MADE PURCHASES FROM DIRECTLY OUTSIDE THE STATE <input type="checkbox"/> YES <input type="checkbox"/> NO IF LESS THAN \$50,000 INDICATE AMOUNT		\$
D. IF THE ANSWER TO 10(c) IS NO, DID GROSS REVENUE FROM SALES OR PERFORMANCE OF SERVICES EQUAL OR EXCEED \$50,000 TO PUBLIC UTILITIES, TRANSIT SYSTEMS, NEWSPAPERS, HEALTH CARE INSTITUTIONS, BROADCASTING STATIONS, COMMERCIAL BUILDINGS, EDUCATIONAL INSTITUTIONS AND/OR RETAIL CONCERNS <input type="checkbox"/> YES <input type="checkbox"/> NO IF LESS THAN \$50,000 INDICATE AMOUNT		\$
E. DID GROSS AMOUNT OF YOUR PURCHASES EQUAL OR EXCEED \$50,000 FROM FIRMS WHICH IN TURN, PURCHASED THOSE GOODS DIRECTLY FROM OUTSIDE THE STATE <input type="checkbox"/> YES <input type="checkbox"/> NO IF LESS THAN \$50,000 INDICATE AMOUNT		\$
F. GROSS REVENUE FROM ALL SALES OR PERFORMANCE OF SERVICES (Check largest amount which firm equaled or exceeded): <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$200,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 IF LESS THAN \$100,000 INDICATE AMOUNT		\$
11. ARE YOU A MEMBER OF, OR PARTICIPATE IN, AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING? <input type="checkbox"/> YES <input type="checkbox"/> NO (If yes, give Name and Address of association or group).		
12. DID FIRM PERFORM NATIONAL DEFENSE WORK DURING THE PERIOD INDICATED IN 10 ABOVE? <input type="checkbox"/> YES <input type="checkbox"/> NO (If Yes, give Name and Address of association or group).		
13. PROVIDE NAME & TITLE OF YOUR REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION CONCERNING THE OPERATIONS OF YOUR BUSINESS		
NAME	TITLE	TELEPHONE NUMBER
SIGNATURE OR AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE		
NAME AND TITLE (Type or Print)	SIGNATURE	DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

ELECTRONIC FILINGS THROUGH THE AGENCY'S WEBSITE AND EMAIL COMMUNICATION WITH BOARD AGENTS

ELECTRONIC FILING OF DOCUMENTS WITH THE AGENCY: All Regional Offices are in the process of creating an electronic investigative case file that contains electronic copies of all documents in the paper case file. This electronic case file initiative is a central component of the Agency's development of a new case management system called NxGen. When the NxGen system is deployed throughout the Agency, this system will provide parties greater access to public information about pending cases. To facilitate this important initiative, the Agency strongly urges all parties to submit documents and other materials (except unfair labor practice charges and representation petitions) through the Agency's E-Filing system on its website: <http://www.nlr.gov>.

On the home page of the Agency's website, click on the **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The following documents may be filed electronically through the Agency's website:

- Answer to Complaint or Compliance Specification. However, if the electronic version of an Answer to a Complaint or a Compliance Specification is not in a pdf format that includes the signature of the party or its representative, the original answer containing the required signature must be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.
- Appeal Filings to the Office of the General Counsel
- Briefs
- Disclaimer of Interest
- EAJA Applications
- Evidence
- *Excelsior* List
- Exceptions or Cross Exceptions
- Extension of Time Request
- Motions and Oppositions to Motions
- Notice of Appearance
- Objections to an Election
- Petition to Revoke a Subpoena or Response
- Position Statement
- Request for Review
- Request for Special Permission to Appeal
- Request to Proceed
- Withdrawal Request

E-FILINGS MUST BE TIMELY: The Agency will accept electronic filings up to 11:59 p.m. in the time zone of the receiving office on the due date. Filings accomplished by any other means must comply with the requirements of Section 102.111 of the Board's Rules and Regulations.

- A document will be considered timely filed if the E-Filing receipt reflects that the entire document was received by the Agency's E-Filing system before midnight local time on the due date. (Midnight is considered the beginning of a new day.) Filings accomplished by any other means

such as mail, personal delivery, or facsimile (if allowed), must be received by the close of business in the receiving office on the due date.

- Unlike the Federal Courts, the Agency does not add 3 days to any due date regardless of the manner the document to which the filer is responding was served.
- Although the Agency's E-Filing system is designed to receive filings 24 hours per day, parties are strongly encouraged to file documents in advance of the filing deadline and during the normal business hours of the receiving office, in the event problems are encountered and alternate means of filing become necessary.
- The receiving office's staff will respond to non-technical questions regarding the E-Filing system during normal business hours. For technical problems, please refer to the [E-Filing FAQ](#) or send an email to e-filing@nlrb.gov. If you wait until after the close of business to attempt to E-File and encounter problems, no one will be available to assist you.
- Technical Failure. If the Agency's E-Filing system is unable to receive documents for a continuous period of more than 2 hours after 12 noon (Eastern Time), the site will be declared to be in technical failure. Notice of the technical failure determination will be posted on the website as soon as possible. Scheduled service, system maintenance or upgrades, or when the system will be unavailable to receive filings, will also be posted. If the system is determined to be in technical failure on the due date for the filing of a document and the failure prohibited a party from E-Filing, the document must be filed by 5:00 p.m. (Eastern Time) on the next business day.
- User Problems. Problems with a user's telephone lines, internet service provider, hardware, or software; user problems in understanding or following the E-Filing instructions; or rejection of a document because it contains a virus do not constitute a technical failure and will not excuse an untimely filing. A filer who cannot E-File a document because of any of these user problems must file conventionally and timely. The Agency's offices have no lobby facilities for filing after the close of business. Thus, a user who waits until after close of business on the due date to attempt to E-File does so at his/her peril. If you are unsure whether the problem is a technical failure or a user problem, assume it is a user problem.
- If a timely, conventional filing is impossible because a user problem developed after close of business on the due date, the user should attempt to E-File using another computer with internet access, such as another computer in the office, a home computer, a computer at a public library, or a computer at a commercial business service center.

ELECTRONIC FILING IS A THREE-STEP PROCESS: Electronic filing is not complete until all three steps of the process are completed: (1) entering your data and uploading your document(s); (2) reviewing and confirming your submission; and (3) receiving your receipt with confirmation number.

PREFERRED DOCUMENT FORMAT IS PDF: The preferred format for submitting documents using E-Filing is Adobe's Portable Document Format (*.pdf). However, in order to make the Agency's E-Filing system more widely available to the public, persons who do not have the ability to submit documents in PDF format may submit documents in Microsoft Word format (*.doc). Persons who do not have the ability to submit documents in either PDF or Microsoft Word format may submit documents in simple text format (*.txt). Regardless of the format, all documents E-Filed with the Agency must be submitted in a "read-only" state.

DOCUMENTS MUST BE VIRUS-FREE: Users are responsible for taking all reasonable steps to prevent sending any material to the Agency that contains computer viruses. All submissions using this E-Filing Form will be scanned for viruses. Any submission that contains a virus will automatically be deleted by the Agency's computer system and thus will not be processed. Rejection of a filing because it contains a virus will not excuse a late filing and is considered to be a user problem, not a technical failure as defined herein.

DOCUMENTS MUST BE COMPLETE: Any document submitted electronically to the Agency must be complete. Any attachments must be converted into electronic form and included as part of the document. No attachments may be filed (either electronically or by service of hardcopy) separately from the electronic document under any circumstances. Exception: Position statements or documentary evidence submitted to a Regional Office during an unfair labor practice investigation or documents relating to appeals pending before the Office of Appeals may be filed as separate attachments.

CERTAIN DOCUMENTS MUST INCLUDE STATEMENT OF SERVICE: All documents submitted to a Regional, Subregional or Resident Office, which under the Board's Rules and Regulations must be served on other parties to the case, must include a statement of service showing how that document was served on other parties in accordance with the service requirements of Section 102.114(i) of the Board's Rules and Regulations. This rule provides: "In the event the document being filed electronically is required to be served on another party to a proceeding, the other party shall be served by electronic mail (email), if possible. If the other party does not have the ability to receive electronic service, the other party shall be notified by telephone of the substance of the transmitted document and a copy of the document shall be served by personal service no later than the next day, by overnight delivery service, or, with the permission of the party receiving the document, by facsimile transmission."

OFFICIAL BUSINESS: Outside parties may send electronic communications to Regional, Subregional and Resident Offices dealing only with official Agency business.

E-MAIL COMMUNICATIONS WITH BOARD AGENTS: To encourage and facilitate the exchange of case handling information between the parties or their representatives and Board agents, individual Board agents' E-mail addresses will be made available to the parties. We encourage parties and/or their representatives to provide the Regional, Subregional or Resident Office with their E-mail addresses. E-mail communications with a represented party generally will be through the party's attorney or other representative. If an outside party and/or its representative provides its E-mail address, Board agents will accept and send E-mail messages to arrange appointments, schedule witnesses and exchange other case-relevant information. If a party and/or its representative requests that communications not be sent by E-mail, Board agents will honor such request after receipt of the request in the Regional, Subregional or Resident Office.

Please note that Board agents may, on occasion, be out of the Regional office and unable to receive time-sensitive E-mails. It is critically important that all substantive E-mails and any documents listed above should be filed with the Regional Office through the Agency's website (<http://www.nlr.gov>) as outlined above.

QUESTIONS: Any questions about the Agency's E-filing policies may be directed to an NLRB Information Officer during regular business hours.



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 11

P. O. Box 11467

Winston-Salem, NC 27116-1467

Telephone: 336/631-5201

Fax: 336/631-5210

www.nlr.gov

4035 University Pkwy., Suite 200

Winston-Salem, NC 27106-3325

May 16, 2011

Re: Greenbrier Academy for Girls
Case 11-CA-23106

(b) (6), (b) (7)(C)

Greenbrier Academy for Girls
P.O. box 342
Pence Springs, WV 24962

Dear **(b) (6), (b) (7)(C)**

This letter is to inform you that 10(j) injunctive relief is being considered in the above-captioned case. Section 10(j) of the Act states that "the Board shall have power, upon issuance of a complaint...to petition any United States district court, within any district wherein the unfair labor practice in question is alleged to have occurred or wherein such person resides or transacts business, for appropriate temporary relief or restraining order...as it deems just and proper." A letter setting forth the specific allegations in the charge will follow this correspondence, and at that time you will be requested to submit a position statement and any supplemental evidence and/or case law to support your position in regard to the appropriateness of 10(j) in this matter.

If you have any questions please do not hesitate to contact me. I look forward to working with you during this investigation.

Very truly yours

Jasper C. Brown
Field Attorney

JCB/pln



United States Government

NATIONAL LABOR RELATIONS BOARD

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4035 University Pkwy., Suite 200

Winston-Salem, NC 27106-3325

July 20, 2011

Re: Greenbrier Academy for Girls
Case No. 11-CA-23106

Via e-mail: [REDACTED]@greenbrieracademy.com

(b) (6), (b) (7)(C)

Greenbrier Academy for Girls

P.O. Box 342

Pence Springs, WV 24962

Dear [REDACTED]:

This letter is to advise you of the specific allegations contained in the above referenced charge. You are hereby requested to promptly provide evidence, including witnesses from whom I would take affidavits, regarding the allegations in the charge. The charge, filed on May 13, 2011, by [REDACTED] an individual, alleges that the Employer discharged [REDACTED] on [REDACTED] 2011, because [REDACTED] engaged in union activities, in violation of Section 8(a)(3) of the Act. Additionally, [REDACTED] alleges that the Employer violated Section 8(a)(1) of the Act by interrogating employees about their union activities. The factual basis in support of the alleged violations are set forth herein below:

1. [REDACTED] was employed as [REDACTED] at the Employer's Pence Springs, West Virginia, facility from [REDACTED] until [REDACTED] 2011. [REDACTED] reported to [REDACTED] [REDACTED], and was responsible for [REDACTED] to approximately 50 teenage girls at the facility. In this regard, [REDACTED] worked with [REDACTED] in [REDACTED] to teenage girls in the dormitory during periods when the girls were not assigned to classroom or other duties. The evidence further indicates that many of these young ladies had emotional and other problems, thereby requiring close supervision by [REDACTED] assigned to work with them.
2. [REDACTED] asserts that on [REDACTED] 2011, [REDACTED] received two written warnings for two separate work rule infractions. The first written warning was issued to [REDACTED] because [REDACTED] allowed one of the young ladies assigned to [REDACTED] to call [REDACTED]. During this phone conversation between the student and [REDACTED], the student requested that [REDACTED] make [REDACTED] for [REDACTED] when [REDACTED] came home on [REDACTED] next visit. [REDACTED] stated that [REDACTED] immediately terminated the phone call, and called [REDACTED] back [REDACTED] informed [REDACTED] that the student had not given [REDACTED] the true reason for the phone call, and that [REDACTED] did not have authority to allow the student to request [REDACTED]. [REDACTED] stated that [REDACTED] informed [REDACTED] that this was a violation of school policy. Although [REDACTED] informed [REDACTED] of

the same facts, (b) (6), (b) (7)(C) was nevertheless issued a written warning for this conduct. In this regard, (b) (6), (b) (7)(C) was of the view that (b) (6), (b) (7)(C) had been misled by the student, and that (b) (6), (b) (7)(C) had corrected the problem once (b) (6), (b) (7)(C) became aware of the violation, and therefore did not feel that (b) (6), (b) (7)(C) conduct warranted discipline.

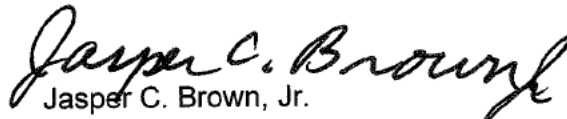
3. The second warning was issued to (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) 2011, because (b) (6), (b) (7)(C) brought culinary knives to the campus. (b) (6), (b) (7)(C) acknowledged having brought the knives to the campus, but (b) (6), (b) (7)(C) stated that they were for the purpose of teaching a cooking class to the students. (b) (6), (b) (7)(C) also asserts that the knives were under (b) (6), (b) (7)(C) complete control throughout the cooking class. (b) (6), (b) (7)(C) stated that when (b) (6), (b) (7)(C) issued the written warning for this violation, (b) (6), (b) (7)(C) took responsibility for (b) (6), (b) (7)(C) conduct and agreed to take safety training.
4. With respect to (b) (6), (b) (7)(C) union activities, (b) (6), (b) (7)(C) asserts that on or about late April, 2011, (b) (6), (b) (7)(C) contacted a union official and attempted to schedule a union meeting at a local restaurant for (b) (6), (b) (7)(C) 2011. (b) (6), (b) (7)(C) solicited employees to support the Union while still employed at the facility. In this connection, (b) (6), (b) (7)(C) asserts that (b) (6), (b) (7)(C) interrogated employees about their union activity at the school on or about the early part of May, 2011.
5. (b) (6), (b) (7)(C) contends that on (b) (6), (b) (7)(C) 2011, the Employer conducted a meeting with all (b) (6), (b) (7)(C) at the facility. During this meeting, (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) how much the school meant to (b) (6), (b) (7)(C) and then (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that if they had any problems they could speak freely about their problems in this meeting. There is no assertion that there was any discussion about the Union during this meeting. However, right after the meeting concluded, it is alleged that (b) (6), (b) (7)(C) asked certain employees if they knew any thing about a union representative coming in the area on that day, or if they knew about a union meeting at the Big Wheel Restaurant on that day. This allegation is alleged as unlawful interrogation, and I would request your specific response to this allegation.
6. On (b) (6), (b) (7)(C) 2011, (b) (6), (b) (7)(C) states that (b) (6), (b) (7)(C) met with (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) questioned (b) (6), (b) (7)(C) about (b) (6), (b) (7)(C) relationship with the students and mentors, as well as (b) (6), (b) (7)(C) supervisors. (b) (6), (b) (7)(C) states that (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that generally (b) (6), (b) (7)(C) had good relations with the students and mentors, but (b) (6), (b) (7)(C) did not enjoy good relations with (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) had targeted (b) (6), (b) (7)(C) since March, 2011, and (b) (6), (b) (7)(C) felt that (b) (6), (b) (7)(C) was too inexperienced for (b) (6), (b) (7)(C) position. (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) about the two written warnings (b) (6), (b) (7)(C) had been issued in (b) (6), (b) (7)(C) 2011. (b) (6), (b) (7)(C) asserts that (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) would withdraw the written warning related to the knives, in this meeting. (b) (6), (b) (7)(C) contended that (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C) felt that there were unfair or unlawful labor practices being committed at the facility. (b) (6), (b) (7)(C) responded that there were issues that needed to be addressed such as sick leave and training. At that point in the discussion, (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C) had any company property in (b) (6), (b) (7)(C) possession, and how would (b) (6), (b) (7)(C) like to receive (b) (6), (b) (7)(C) severance pay. (b) (6), (b) (7)(C) asked if this meant that (b) (6), (b) (7)(C) had been fired and (b) (6), (b) (7)(C) said yes. (b) (6), (b) (7)(C) asserts that (b) (6), (b) (7)(C) did not give (b) (6), (b) (7)(C) a reason for (b) (6), (b) (7)(C) termination.
7. (b) (6), (b) (7)(C) further asserts that the Employer has a progressive discipline system requiring first and second written warnings and a suspension prior to discharge. (b) (6), (b) (7)(C) contends that (b) (6), (b) (7)(C) was not issued a second written warning since the warning related to the knives was withdrawn, and that (b) (6), (b) (7)(C) was not suspended before (b) (6), (b) (7)(C) termination. Thus, (b) (6), (b) (7)(C)

contends that the Employer did not follow its work rules. With respect to the merits of this charge, I would request the following:

1. True copies of all work rules pertaining to employees conduct effective January 1, 2011, to the present.
2. True copies of all disciplinary conduct, including all written warnings and discharge documents issued to (b) (6), (b) (7)(C) during (b) (6), (b) (7) employment.
3. Specific response to the allegation that Employer (b) (6), (b) (7)(C) interrogated employees about the Union on or about early (b) (6), (b) (7) 2011.
4. True copies of all documents reflecting the reason(s) for (b) (6), (b) (7)(C) discharge on (b) (6), (b) (7)(C) 2011.
5. Specific response to the assertion by (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) 2011, told (b) (6), (b) (7) that (b) (6), (b) (7)(C) would withdraw the written warning issued to (b) (6), (b) (7) in regard to the bringing of knives on the campus.

I am requesting that the Employer present evidence regarding the above allegations. Please be advised that failure to promptly provide evidence, including witnesses from whom I might take affidavits, would not be considered to constitute full cooperation in the investigation. If you elect only to respond by position statement, it will be considered. Absent the submission of evidence, the Regional Director will make his decision based on the evidence of record. Accordingly, I ask and urge you to present your evidence on or before July 26, 2011, so that it may be considered in my recommendation to the Acting Regional Director.

Very truly yours,


Jasper C. Brown, Jr.
Attorney

JCB/pln



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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August 31, 2011

(b) (6), (b) (7)(C)

Re: Greenbrier Academy for Girls
Case 11-CA-023106

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that Greenbrier Academy for Girls has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that you were terminated because of your union activity. The evidence adduced by the investigation was insufficient to establish that the Employer violated the Act as alleged. In this regard, the evidence did not establish Employer knowledge of your union activity. Furthermore, the investigation failed to disclose any evidence of union animus by the Employer. Rather, the investigation revealed that the Employer terminated you because of its concerns regarding your violation of its safety rules. Thus, the Employer established a legitimate on-discriminatory reason for your termination. Accordingly, I am refusing to issue complaint in this matter.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **September 14, 2011**. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is

completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than **September 13, 2011**.

Extension of Time to File Appeal: Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202)273-4283. A request for an extension of time to file an appeal **must be received on or before 2011-09-14**. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ Jane P. North

Jane P. North
Acting Regional Director

Enclosure

cc ACTING GENERAL COUNSEL
 OFFICE OF APPEALS
 FRANKLIN COURT BUILDING
 NATIONAL LABOR RELATIONS
 BOARD
 1099 14TH STREET, NW
 WASHINGTON, DC 20570

(b) (6), (b) (7)(C)

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